

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*#8
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AS
Official*

Applicant : Graf et al.
Appl. No. : 09/623,115
Filed : 12/19/00
Title : FIBER-FREE SHAPED PARTS

Grp./A. J. : 1711
Examiner : M. Foelak

Docket No. : H 3301 PCT/US

FAX RECEIVED

OCT 24 2001

GROUP 1700**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Assistant Commissioner for Patents on the date shown below.

October 24, 2001

Date

Mariene Capren
Signature of certifier

Mariene Capren

Typed or printed name of certifier

Honorable Commissioner for Patents
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is in response to the Examiner's Restriction Requirement dated September 24, 2001 in the instant application.

The Examiner contends that the present application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Group I, claims 19, 20, 23, 25, 28 and 30 drawn to a foamable or foamed composition; and Group II, claims 1-18, 21, 22, 24, 26, 27 and 29, drawn to a fiber-free

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molding composition.

The Examiner contends that the inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The claims of Group I are the same as the claims of Group II except for the potential form of the Group II claims. Applicant respectfully disagrees with the Examiner's conclusion for the following reasons.

Initially, it should be noted that the claims currently pending in the application are 14-30. Thus, Applicant assumes that the claims comprising Group II should be 14-18, 21, 22, 24 26, 27 and 29, rather than 1-18, 21, 22, 24, 26, 27 and 29 as cited by the Examiner. In the event this is not correct, further clarification is hereby respectfully requested.

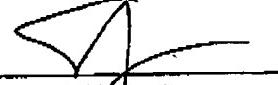
Secondly, Applicant would like to note that under MPEP 1893.03(d) an Examiner, when making a lack of unity of invention requirement, must: (1) list the different groups of claims and (2) explain why each group lacks unity with each other group specifically describing the unique special technical feature in each group. While the Examiner has attempted to satisfy the first requirement, the second requirement has not been satisfied. First of all, the Examiner appears to admit that the inventions of Groups I and II possess the same technical feature, which is the only requirement for unity of invention. However, the Examiner goes on to state that even so, because the inventions of Groups I and II may

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potentially take on a different form, they are not so linked as to form a single general inventive concept under PCT Rule 13.1. This make no sense whatsoever to Applicant. The form taken by the composition is irrelevant when determining unity of invention. The only requirement is that each inventive Group possess the same or corresponding technical feature which, by the Examiner's own admission, is the case. Consequently, since the same special technical feature is present in each of the inventions identified by the Examiner, Unity of Invention clearly exists.

The requirement is thus respectfully traversed and reconsideration requested. However, in an attempt to comply with the requirement of Rule 143, Applicant provisionally elects the invention of Group II, with traverse, for further examination on the merits.

Respectfully submitted,



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